

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
(ALEXANDRIA DIVISION)**

TIMOTHY GIRGIS,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 1:19-cv-00998
)	
VIRGINIA COMMUNITY COLLEGE)	
SYSTEM (Northern Virginia Community)	
College))	
DEBORAH NAQUIN,)	
JULIE LEIDIG, in her official capacity)	
as the Loudon Campus Provost for Northern)	
Virginia Community College,)	
KATHERINE HITCHCOCK, in her official)	
Capacity as the Dean of the Division of)	
Communications and Human Studies for)	
Northern Virginia Community College, and)	
MELVYN D. SCHIAVELLI, in his official)	
capacity as the Interim President of)	
Northern Virginia Community College)	
)	
Defendants.)	

NOTICE OF REMOVAL

Defendants, Virginia Community College System (“VCCS”), Deborah Naquin (Professor Naquin), Julie Leidig (Dean Leidig), Katherine Hitchcock (Dr. Hitchcock), and Melvyn Schiavelli (“Dr. Schiavelli”) (collectively, “Defendants”), by counsel, pursuant to 28 U.S.C. § 1441 *et seq.*, remove this civil action, originally filed in state court, to this Court for the following reasons:

1. On June 28, 2010, Timothy Girgis (“Girgis” or “Plaintiff”) filed the attached Summons and Complaint in the Loudon County Circuit Court of the City of Norfolk (Case No. CL19-1420) (attached hereto as Ex. A).

2. The four-count Complaint alleges that Defendants violated Plaintiff's due process rights in connection with his attempts to appeal a grade decision and that Northern Virginia Community College ("NVCC"), which is part of the Virginia Community College System, and Professor Naquin are liable to him pursuant to the Fourteenth Amendment of the United States Constitution through 42 U.S.C. § 1983 and are also liable pursuant to the constitution of Virginia. Plaintiff further alleges that NVCC and Professor Naquin are liable to him based on a violation of this right to free speech pursuant to the U.S. Constitution and via 42 U.S.C. § 1983. Finally, Plaintiff alleges NVCC breached a contract between Plaintiff and NVCC with respect to the appeal of his grades.

3. Defendants Dr. Hitchcock, Dean Leidig, and Professor Naquin were served with the Complaint July 3, 2019, Defendants VCCS and Dr. Schiavelli were served with the Complaint on July 11, 2019. Based on the first service date, this notice of removal is timely filed pursuant to 28 U.S.C. § 1446.

4. Additionally, Defendants timely filed responsive pleadings in the form of a Demurrer and Plea in Bar and filed a Motion Craving Oyer in the Circuit Court of the City of Norfolk, which is attached hereto as Ex. B.

5. Pursuant to 28 U.S.C. § 1441 and 28 U.S.C. § 1443, this case meets the requirements for removal to federal court as it asserts claims arising out of the United States Constitution and laws of the United States, namely two claims under 42 U.S.C. § 1983 for violations of the right to due process contained in the Fourteenth Amendment to the United States Constitution and the right to free speech guaranteed by the First Amendment to the United States Constitution and the events complained of by Plaintiff took place in Loudoun County, Virginia.

6. This Court has original jurisdiction over Plaintiff's federal question claims and supplemental jurisdiction over his state law claims. *See* 28 U.S.C. § 1331 (declaring that "[t]he district courts shall have original jurisdiction of all civil actions arising under the Constitution, laws, or treaties of the United States."); 28 U.S.C. § 1367(a) (declaring that "in any civil action of which the district courts have original jurisdiction, the district courts shall have supplemental jurisdiction over all other claims that are so related to claims in the action within such original jurisdiction that they form part of the same case or controversy . . .").

7. Plaintiff's state law claims – violation of due process under Virginia's Constitution and breach of contract - are based on the same set of facts as the federal claims and thus form the same case or controversy over which this Court has supplemental jurisdiction.

8. Defendants, by and through the undersigned counsel, will provide written notice of the filing of its notice of removal to Plaintiff's counsel and to the Clerk of the Loudon County Circuit Court as required by 28 U.S.C. § 1446(d).

9. Pursuant to Fed. R. Civ. P. 81(c)(2)(C), Defendants will also file a motion to dismiss, and an accompanying memorandum of law in support thereof, within seven days of the filing of this notice of removal.

10. Defendants are all represented by the same counsel and all join in the removal of this case to this Court.

WHEREFORE, and for the foregoing reasons, Defendants remove this civil action, originally filed in the Loudon County Circuit Court (Case No. CL19-1420), to this Court and request it to properly proceed in federal court.

**Respectfully submitted,
VIRGINIA COMMUNITY COLLEGE SYSTEM,
DEBORAH NAQUIN, JULIE LEIDIG, KATHERINE
HITCHCOCK, and MELVYN D. SCHIAVELLI**

By /s/
Sandra S. Gregor (VSB No. 47421)
Assistant Attorney General
Jacqueline C. Hedblom (VSB No. 68234)
Assistant Attorney General
Office of the Virginia Attorney General
202 North Ninth Street
Richmond, Virginia 23219
Telephone: (804) 786-1586
Facsimile: (804) 371-2087
Emails: sgregor@oag.state.va.us
jhedblom@oag.state.va.us

Mark R. Herring
Attorney General of Virginia

Samuel Towell
Deputy Attorney General

CERTIFICATE OF SERVICE

I hereby certify that on this 1st day of August, 2019, the foregoing **Notice of Removal** was emailed and mailed, postage prepaid, to:

Timothy R. Johnson (VSB No. 87673)
20-B East Main Street
Berryville, VA 22611
trjohnson@trilegal.com

By /s/
Sandra S. Gregor (VSB No. 47421)
Assistant Attorney General
Office of the Virginia Attorney General
202 North Ninth Street
Richmond, Virginia 23219
Telephone: (804) 786-1586
Facsimile: (804) 371-2087
Emails: sgregor@oag.state.va.us